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AN
A P P E A L
TO THE
P U B L I C,
IN BEHALF OF

ELIZABETH CANNING,

In which the material Facts in her Story are
fairly stated, and shewn to be true, on the
Foundation of Evidence.

By *DANIEL COX*, M.D. *14*
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London.

THE SECOND EDITION.

*It scarce shall boot me
To say not guilty: mine Integrity
Being counted Falsehood, shall, as I express it,
Be so receiv'd: but thus, if Powers divine
Behold our human actions, as they do,
I doubt not then, but Innocence shall make
False Accusations blush, and Tyranny
Tremble at Patience.*

SHAKESPEAR's Winter's Tale.

L O N D O N:

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in Cornhill; and sold by J. Jolliffe, in St. James's
Street; and W. Owen, at Temple Bar. 1753.

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THE First Edition of this Treatise was published on Saturday Noon, June 9.—About ten at Night on the same Day, the Grand Jury, who had sate three Days examining Witnesses, found Bills of Indictment for Perjury against Gibon, Clarke and Grevil, the Gypsey's Witnesses on the Trial, and likewise against Elizabeth Canning. This of course prevents the Publication of the Affidavits mentioned in this Treatise, at least till after the Trial.



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R. Watkins.

A P P E A L
TO THE
P U B L I C, &c.

A MIDST the contrariety of opinions the public entertains concerning the story of ELIZABETH CANNING, it may appear an attempt somewhat hardy to endeavour to reconcile the controverted Points.

A writer, thus circumstanced, has to encounter with the passions and prejudices of mankind, and should have the power

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of quieting or moderating these, before he can expect an equal hearing. But no man that is at all acquainted with the human mind in general, or has even at any time looked into his own breast, will be vain enough to think he is possess'd of this power.

There are but few capable of examining anew with a quite impartial mind, a subject concerning which they have already preconceived a determinate opinion, and which opinion they have perhaps strenuously espoused in almost every conversation: It is such a receding from a former judgment, such an acknowledgment of past credulity, that a man must have a peculiar greatness of mind, should he happen to be convinced by such examination, if he can frankly confess his mistakes, and renounce them.

Among the ordinary run of mankind such a conduct is not to be expected. The bulk of the species live in a continual

nual round of error both in judgment and practice, influenc'd perpetually by narrow motives, possess'd of scarce any power of intuition into matters the least remov'd from their limited sphere of action, and taking up opinions by starts and at random, without examining into the solidity of their pretensions.

Natural constitution and temper, without any culpable bias of mind, have often great influence over our judgments: The cold and phlegmatic are too indolent to look deeply into facts, so form their opinions on popular sanction, or perhaps the authority of some other persons judgment; while the warm and sanguine pursue their object with a rapidity, which frequently pushes them on beyond the bounds of reason and discretion.

It is the middle character that is form'd for reasoning, judgment, and determination, neither too languid to be attentive to facts proposed to examination, nor so keen and eager as to reject the sober gui-

dance of the understanding, in order to follow the delusions of the imagination.

Within some or other of the distinctions here specified, the human mind may, I think, be fairly characterized. A writer therefore, that addresses the public on any popular subject, will have his sentiments canvassed by men of all degrees of understanding, of every turn and disposition of mind, and subject to every kind of bias, and will therefore meet with applause or censure, just as different capacities or motives for judging shall happen to actuate his readers.

In what manner then, under all these disadvantages, and by what arts of persuasion, can he hope to convince the minds of judges so differently disposed? If he supports with any degree of ingenuity one side of the question, the abettors of the same opinion will perhaps caress him, and applaud his penetration, while their antagonists will probably cavil with his facts, and depreciate his reasoning;

reasoning ; or should their private judgment coincide with his, if any sinister views should happen to govern them, they will scarcely prevail with themselves to own their conviction in public, tho' nothing is more noble than such confession.

Such reflections as these, any one, who has at all mingled in conversations of late, will be able readily to apply. And it will therefore be easily seen what a difficult task it must be to introduce an uniformity of sentiment on a subject so much and so warmly disputed.

Should therefore the writer of these papers fail of his purpose, and the public remain as unsettled in their opinions, as before he attempted to conciliate and win them to his manner of thinking, he will only have left to hope, that he shall incur no reproach for his intention, however he may fall short in the execution.

But

But there is now another obstacle in the way, which some may think it unbecoming even to attempt to remove, and that is, his Majesty's pardon of the Gypsies, which seems to imply her innocence.

No one, I am sure, pays a greater deference to the higher powers than myself, nor entertains a more settled opinion of his Majesty's goodness, and great and constant disposition to do justice: but it does not appear, that the truth of the facts in question depend upon his Majesty's determination concerning the life of the criminal.

After the Gypsies had been convicted on the positive oaths of several legal witnesses and on a fair trial, it was thought by many an extraordinary and dangerous proceeding, that the judge and jury should themselves be afterwards brought, as it were, to trial before the bar of the public, for their decision. But there were others, who did not see this proceeding in the same light. They could readily justify the jury for giving a verdict against the
Gypsies,

Gypsey, because they did it on legal evidence. Nevertheless, they thought that, however the jury might be led to determine from the lights they had then before them, yet on the force of fuller evidence, and a re-examination of the affair before another power, it might merit a different decision. They therefore apprehended there could be no indecency towards this court, in tracing out evidence to prove the innocence of a person they had convicted, and laying that evidence before that other power, the dernier resort in all such cases : And, to the propriety of this method of judging I most heartily give my assent. But then, I think, I have an honest claim, to expect that the resuming the examination of the affair at this time should be considered in the same light. I do not arraign his Majesty's wisdom or justice in pardoning the criminal, any more than those who departed from the opinion of a judge and the verdict of a jury are presumed to have accused them of a crime in determining as they did. No human character is exempt from mistake. It
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is the very term and condition of our nature to be liable to error; and the wisest and greatest men, those least guilty, are most sensible of this truth, and always the readiest to acknowledge the frailty of their make. It is the ignorant and opiniated only, who are unconscious of their weakness, and who assume to themselves the claim of infallibility.

I am therefore, I say, as much justify'd in resuming the consideration of the subject at this time, as any one can be who took up the affair after the trial: and, as they at that time thought they had sufficient evidence of the Gypsey's innocence to set aside the sentence of a court, so I, who have made much inquiry into the evidence on Canning's side, and have seen many testimonies of the Gypsey's guilt, may, I suppose, with as much decency lay my sentiments concerning them before the public, as the advocates for the Gypsey did theirs before another power.

Having

Having thus in some measure removed the obstructions that lay at the door, I shall without farther ceremony enter upon my subject: and here, I must desire to have one thing allowed me, as a kind of Datum, upon which, I apprehend, the whole determination of this dispute, to whatever length it may chance to be spun out, must rest at last, and to which I shall claim a right to retreat on every proper occasion, viz. *That it is by the Testimony of evidence alone that the truth of any fact can be absolutely determined:* It is on this testimony, in all criminal cases, that courts of judicature constantly rely, and it is on this testimony that reason and common-sense tell us we must depend for the decision of the present cause.

The method I propose to pursue is,

1. To set to view the character of Elizabeth Canning, before the time of her absence, as some support to the truth of her evidence.

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2. Consider

2. Consider some of the slanders thrown out against her, and prove their falshood by proper testimonies.

3. Shew the congruity between the evidence of Virtue Hall and that of Canning, on such facts which they might *jointly* know ; and, from this agreement, and from their different evidence on such facts, which they might *separately* know, shall deduce this conclusion, that the testimony of both is true.

4. Shall corroborate their evidence by the testimonies of several witnesses concerning some collateral facts, concurring reciprocally to illustrate each other, and thereby confirming the evidence of the whole ; and shall intersperse, under each head, some occasional remarks.

1. The character of Elizabeth Canning is well supported by several tradesmen of probity and integrity in the neighbourhood of Aldermanbury, who have
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known her from her childhood, the daughter of an industrious working man, some time since dead, who left behind him a widow, a woman of an honest character, with five children. The eldest, Elizabeth Canning, is now near nineteen years of age, her person plain, and short of stature : she has lived as a servant maid for some years past in the neighbourhood, without any reproach upon her character. Her last master, Mr. Lyon, a carpenter in Aldermanbury, a person in years, and of a solid reputation, with whom she lived at the time of the robbery, speaks of her as a sober and virtuous girl, diligent and constant in her business, and thinks that himself and his wife could almost account for every half hour of her time that she lived with them, which was about ten or twelve weeks. In much the same manner is she spoken of by the other families where she was servant, particularly by Mr. Wintlebury, who keeps the weavers arms, a very reputable public house in Aldermanbury, with whom she lived near

two years, and behaved with remarkable sobriety, modesty, and diligence.

It was this general good character of the girl, joined to their persuasion of the justice of her cause, that induced the neighbouring tradesmen, to the number of seven or eight, to unite in her defence; and it is the same generous disposition of heart that still induces them to declare, that, while they have the same reason to think her innocent, they shall continue to protect her, in case she should be again attacked, notwithstanding that her defence has already proved very expensive to them. Her understanding appears moderate; she has a remarkable simplicity in her answers to questions one puts to her, and appears to have no intention of guile or deceit in any thing she speaks.

Such a character as this, even in the low state of life in which this girl is placed, deserves esteem. Virtue is not the attribute alone of the wise, the learned, or the rich; it is a distinction as truly worthy

worthy in the obscure station of servitude, as in the most exalted rank of honours and dignities, and the possessor as much intitled to the protection of providence, (this poor girl has amply experienced it) as though it was accompanied with every convenience or superfluity of life. If such a character then could be wicked enough to have invented her story, and to support it afterwards with perjury, and an intention of murder, as she must have known the crime she charged the Gypsey with was capital, her transition from goodness to wickedness must have been amazingly sudden, contrary to common observation, which teaches that the progress of vice is, for the most part, gradual.

Let any one now in a higher station of life apply what has been said to a daughter of their own, dutiful to her parents, decent, modest and virtuous, and with the appearance of every other good quality of her station ; and, bringing this close home to themselves, let them reflect, whether they should suspect such a daughter of
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such deliberate iniquity? On the contrary, had such a daughter related the same story, and solemnly too before a court of judicature, in the presence of, and with an appeal to Almighty God, whether it would not have gained easy credit from them, and engaged them and their friends in the zealous protection of her. But it is not, I confess, upon the character of the girl, that the credit of her story should absolutely rest. It should certainly be estimated no higher than it deserves, but has an undoubted claim to be valued at as much, which is all I contend for, be it more or less.

I proceed next,

2. To prove, by proper testimonies, the falshood of some of the slanders that have been thrown out against her.

This indeed is not the proper province of an advocate. Those who invent or propagate a calumny should be called upon to support it, and prove their affirmative.

firmative. But as this has not been yet done in one single instance, I willingly engage myself in the proof of the negative; which, in the following narrations, will, I hope, be sufficiently made out, in those points to which they relate.

And here, I hope, I shall be excused for reciting, in so circumstantial a manner, the examinations I made, as I was not willing the testimonies should rest upon the mere persuasion of my own mind, and my single declaration thereupon, without shewing upon what grounds they were built. Besides, it appears to me, that the public, in an address of this nature, has a right to the same sort of evidence, that a court of judicature demands, which always expects a witness to explain himself without reserve.

On Monday, April 9, 1753, at the desire of a gentleman of fortune, a particular friend, I went to Mr. Marshal's, a cheesemonger in Fore-street, where Elizabeth Canning dwelt, to enquire into
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the foundation of a report, every where strongly asserted, that a midwife had made information before the Lord Mayor that she had visited the mother of Elizabeth Canning a few days after the girl's return home, had seen her shift, and that it was too clean to have been worn so long as had been pretended.

I sent for Mrs. Canning the mother of the girl to Mr. Marshal's house, and in his parlour, in the presence of himself and another tradesman of the neighbourhood, examined her concerning this matter. I began with some questions somewhat remote from the main point, as how many children ~~she~~ she had had? what kind of labours? and who was her midwife? to all which she replied. I then asked her, if she had seen her midwife since the girl's return? She said the midwife had called upon her a few days after her return. I then enquired, without offering any leading questions, whether the midwife had seen, and said any thing about her daughter's shift? And, the purport of Mrs. Canning's

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answers was as follows, *viz* — That the midwife desired to see the girl's shift which she came home in, that she examined it, and said she would make oath, that from the appearance of the shift the girl had had no commerce with men, nor any distemper, or other discharge, for that the shift was free from all kind of stains, or used words to this general Effect. I then asked her, if the midwife express'd any doubt of that shift's being the shift the Girl had worn so long? and she replied, no, not in the least. I then asked Mrs. Canning whether she believ'd the shift was her daughter's, and the same shift she had on, on new-years day? she replied, she knew the shift very well, that it was a coarse shift with several patches in it, and that she was sure it was her daughter's shift, and believ'd she went out in that shift, on new-years day. I questioned her as to the soil upon the shift, and whether she thought it was dirty enough to have been worn so many days? And she answered, it was very dirty at the sleeves and neck, but cleaner in the body, and to her belief might have been

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worn so long. I ask'd her about her daughter's behaviour to her, and she said, she was a very good girl, and had always been the best of children.

I enquir'd if any other person was present when the midwife was with her, and she named to me one Mrs. Woodward, who is a broker in goods in the neighbourhood. I desired Mrs. Woodward might be sent for, and she came to me immediately. I put Mrs. Canning out of the room, and asked Mrs. Woodward the same kind of questions, relating to the midwife's inspection of the shift, which I had put to Mrs. Canning, and her answers corresponded in every particular, as to the soil upon the sleeves and neck of the shift, the freedom from stains on the lower parts, and the declaration of the midwife, who, Mrs. Woodward believ'd, by her manner of expressing herself, had no doubts at that time about the girl's innocence.

Both Mrs. Canning and Mrs. Woodward appeared to me very decent, modest women,

women, and have, as the tradesmen informed me, the characters of very honest, industrious people: from whence, and from the readiness and simplicity of their answers, I could not help being satisfy'd in my own mind of their veracity.

In a former visit I made at Mr. Marshall's on the 30th of March, the first day I ever saw Elizabeth Canning, I was alone with her, and among other questions concerning her health, I enquired whether before her going from home on new-years day she had been regular in her courses? She replied without any kind of hesitation, that she had not had them for about five months before. That one night being up at washing when she was out of order, she took cold and they ceased, nor had returned again but since she came home: This is no uncommon case with servants who are obliged to dabble in cold water, the obstructions frequently continuing some months, and sometimes without any great complaints of illness. I could not help reflecting when the girl gave me this

answer, that if she had been cunning enough to have devised her whole extraordinary story, in order to cover a private Lying-in, as has been cruelly suggested, and with a levity and wantonness unbecoming the importance of the subject, as the rest of the calumnies against her have been, she would have been artful enough to have concealed a circumstance, which might have countenanc'd a suspicion, that the obstruction had been of longer duration, and had arisen from some other cause than what she had alledged.

As her costiveness has been made one objection to the truth of her story, this may be a proper place just to mention my opinion on that head, which is, that this state of her intestines was quite natural to her case, as she relates it — a kind providence of nature, ever solicitous to support the body under every emergency of danger — the principal natural cause of the preservation of her life, which, under such a limited diet, frequent intestinal evacuations would probably have destroyed, and which

costiveness might have continued several months, had her diet been the same: Instances of long continued costiveness are far from rare, and are not always to be considered as morbid cases, but frequently a salutary provision of nature, as before said, in order to the preservation of life. The observation is within the experience of most practitioners in physic, and it is needless here to enter into the theory, as we are professing to depend upon facts, not speculation. I remember the case of a woman about a dozen years since, who had no intestinal or any other capital evacuation for at least five or six months before she died. It was indeed a morbid case, but in some measure similar to Canning's, very little food went into her stomach, from a stricture just above the upper orifice, obstructing the passage of food, as, on opening the body, was discovered: and Canning had but little food to take into her Stomach. —And I have lately heard a gentleman of worth and character in the East India trade declare, that he has known sailors to be costive for twenty or thirty days together, when

when reduced, in their provisions, to biscuit and water, as sometimes happens to them in long voyages.

In order to be satisfied about two other pieces of slander, *viz.* That she had been absent in order to be salivated, or that she had retired to lie-in, I examined, at the desire of an eminent council, into these facts.

On Wednesday, May 9, I looked into Elizabeth Canning's mouth, discover'd no marks or scars, such as are usually caused by mercury when any one is salivated, and therefore declare it my opinion, as far as the distance of time from her absence enables me to judge, that she has not undergone a salivation. Besides, it is sufficiently testified, that when she came home her skin was in general discolour'd, of a blackish hue, her arms retaining that colour on the 30th of March, and some time after; whereas a salivation leaves the skin fair and pale. Neither indeed is the time she was absent sufficient
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for such a process, without leaving some degree of spitting and a sore mouth when she came home, which, on enquiry, I have reason to think was not the case.

On Tuesday May the 15th I took with me to Mr. Marshal's house, Mrs. Frances Oakes, first midwife to the lying-in hospital in Brownlow-Street, in order to examine whether there was any foundation for the other report, that Elizabeth Canning had retired to lie-in.

Mrs. Oakes first examined her alone by the several usual methods, as she said, of examination, and declared it to me as her positive judgment and opinion, that Elizabeth Canning has never had a child. I was then desired by Mrs. Oakes to examine her breasts and belly, which with much reluctance the girl submitted to; and, according to my judgment in this case, I verily believe she never has had a child. Lastly, Mrs. Rossiter, a baker's wife, and Mrs. Woodward, a broker's wife,

wife, both living in the neighbourhood, and Mrs. Canning, mother of the girl, made a full examination in the presence and under the instruction of Mrs. Oakes, and all declared their belief, that Elizabeth Canning never had a child.

As to the other charges, such as her being absent with a lover, and the like, one general reply may serve for all, Let their truth be *proved*, and they will not fail of gaining assent : Every charge that has been yet brought against her has fallen to the ground, and, I imagine, her adversaries have now very little hopes of discovering with whom she has been, or in what other place, than that she has sworn to : Tho', I own, I think it is in some degree incumbent upon them, at least in point of conscience, if not of law, that, while they rely on the evidence of the Gypsey's *Alibi* to prove her innocent, they should produce some evidence of Canning's *Alibi*, before they pronounce her guilty.

3. My next business is, to compare the evidence of Virtue Hall, and that of Canning, and from their agreement in some particulars, and difference in others, deduce the truth of both. And, in this enquiry, I shall confine myself to the printed trial in the Sessions Paper, referring my reader for their former examinations to Mr. Fielding's pamphlet, who must surely stand exculpated, with all unprejudic'd judges, for his conduct in the examination of Virtue Hall; since, whatever methods of threatening he might use, to induce her to become an evidence in an affair, in which she appeared an accomplice, and he is certainly intitled to belief in what he * declares about it, he could not frighten her to give a *false* evidence: neither could Mr. Salt, Canning's solicitor, who took down her information in writing in another room, in the presence, as some of the parties have assured me, of at least seven or eight persons, have prompted her confession (had he been capable of so infamous an action, which ought not to be said of any man without proof) because,

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* See the pamphlet, p. 39.

there are several parts of Hall's evidence which Mr. Salt could not have learnt from his examination of Canning, since Canning herself had never mentioned them, nor could have known them, such as the name of one of the robbers, the time Virtue Hall herself and the Gypsies had liv'd in Mother Wells's House, with many other such facts. Therefore too, Virtue Hall, for the same reason, could not have learnt these things of Canning, had she been, which she was not, present at all her examinations. Again, if any one had corrupted Hall to give the evidence, there must be some time settled for that corruption. It must be either at Mr. Fieldings, on her examination, or before she came to his house. That it could not be at Mr. Fielding's has been shewn, and if it had been before she came there, she must have come prepar'd; consequently her prevarications and contradictions before Mr. Fielding, and her unwillingness to deliver her evidence, were unnatural. Besides, she must have been able, by this time, to have pointed out the corruptor, and the reward for the corruption.

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It is thus now it appears to me, that Virtue Hall's evidence ought to be esteemed a just and valid evidence.—She swore to facts, when she was under no bias with respect to the matter of her evidence: and her recantation since, merely as such, whether on oath, or simple declaration, does not invalidate that evidence, since the subsequent testimony of one, who while she is making it, declares she was before forsworn, is no testimony at all, either in law or common sense. Besides, her evidence has all the confirmation of truth, that the evidence of any accomplice can at any time have, viz. That it is declared upon the oath of one, whose oath was then voluntary, and who must know, whether what she swore was true or false, and corresponds with the evidence of the prosecutor in every material article they might *jointly* know, and differs only in such points which each might *separately* know, as will presently be shewn, and is besides supported by several collateral testimonies, as will be seen hereafter under the fourth head.

Having thus established the validity of Virtue Hall's evidence, we proceed to consider Elizabeth Canning's evidence, and compare them together.—She begins her story with ‘ *an account of a visit to her uncle at Salt Petre Bank on New Years Day about noon, her return home-wards about nine, attended part of the way by her uncle and aunt, he having sworn the same, and her attack in Moor-fields by two lusty men in great coats, who robb'd her of her money, gown, apron and hat, and gave her a blow on the temple, which stunn'd her, and threw her into a fit.’ Thus much of the story the girl, I suppose, may be allowed capable of knowing and relating, since there is nothing extraordinary in it, or contrary to almost daily experience.

* In the comparison between the evidence of Canning and Hall, to avoid the prolixity of continual remarks, I shall affix to those articles which they might *jointly* know double commas, thus “, and to those they might *separately* know single commas, thus ‘.

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The next stage is that of the robbers carrying her down to mother Wells's at Enfield Wash, of which she does not know one single circumstance till ' about ' half an hour before her arrival there, ' when on recovering from the fit, which ' she had all this time been in, (viz. above ' six hours) she found herself by a large ' road, where was water, between the two ' men that had robb'd her, who lugg'd her ' along, one having hold of her right ' arm and the other of her left.'

Here now is a very extraordinary chasm in her story, a conduct in robbers very strange, and at present unaccountable: but then, let it be considered; that it is a fact in its very nature obscure, and admits of no clearing up, but by the robbers themselves. As without them then there is no positive evidence, either for the affirmative or the negative, we have a right to bring out what circumstantial evidence we have: which, if attended to, and weighed coolly, and without prejudice, will,

I apprehend, be seen greatly to preponderate in favour of the affirmative.

Canning has described, ' the attack and ' the robbery about ten at night on the first ' of January.' She has also sworn, " that " about four o'clock in the morning of " the 2d of January, she was brought to " Wells's house." If therefore, the two extremes of the account, which may be known, are true, it will amount to an almost positive evidence that the middle part, which remains undescribed, is so too: and, of their truth there is sufficient proof.

Canning arrives at mother Wells's at four in the morning, and here Virtue Hall, who says, ' she had lived in all about a ' quarter of a Year in the house, if not ' more, and was there the whole time that ' Canning was there,' and must therefore have known all the parties, who in another part of her evidence she says, ' were in ' Wells's house six or seven weeks in all, ' and had been there about a fortnight ' before

‘ before the young woman was brought
 ‘ in,’ takes up Canning’s story and de-
 clares, “ that on the second of January
 “ about four in the morning, Canning *was*
 “ brought to Wells’s by two men,” ‘ John
 ‘ Squires was one of them, he is son to
 ‘ Mary Squires, the other man she did
 ‘ not know any thing of, having never
 ‘ seen him before,’ and “ that the girl had
 “ no gown on, or hat, or apron.”

Here now is a perfect correspondence in
 their stories on the *joint* parts, and a *sepa-
 rate* evidence both of Canning’s and of
 Hall’s, which, added together, is as strong
 a proof of the truth of the fact, as the
 case will admit of, which is all a reason-
 able man will expect. As to the manner
 of the robbers carrying her down to Wells’s,
 without being discovered on the road, or
 their motives for doing it, it is no part
 of my present business, even so much as
 to guess at, who am only endeavouring
 to establish facts.

The next things material which Can-
 ning speaks to are, “ That when she was
 “ carried

“ carried into Wells’s house, she saw the
 “ Gypsie woman, Squires, sitting in a
 “ chair, and two young women in the
 “ same room; Virtue Hall, the evidence,
 “ was one of them, standing against the
 “ dresser, but she did not see Wells; and
 “ that Mary Squires took her by the
 “ hand, and asked her if she chose to
 “ go their way, saying, if she did she
 “ should have fine cloaths; to which the
 “ girl, understanding it as asking her to
 “ turn whore, replied, No: on which
 “ the Gypsie took a knife from the
 “ dresser drawer, cut the lace of her stays,
 “ took them from her, and pushed her up
 “ stairs, from out of the kitchen where they
 “ then were, into a place called the hay-
 “ loft.” Virtue Hall’s evidence on this
 part of the story runs thus: ‘ There was
 ‘ in the house at the time, (viz. when the
 ‘ girl was brought in) I and Mary Squires
 ‘ the prisoner, and her daughter: The
 ‘ Gypsie man said, ‘ Mother, I have
 ‘ brought you a girl, do you take her.’
 ‘ Then she asked Eliz. Canning, “ whe-
 “ ther she would go her way? (by which
 “ she

“ she meant for her to turn whore) then
“ Mary Squires took a knife out of the
“ dresser-drawer in the kitchen, and ripped
“ the lace of her stays, and pushed them
“ off, and hung them on the back of a
“ chair in the kitchen, and pushed her
“ up into the room ;” and said ‘ D—n
‘ you, go up there then if you please. —
‘ Then the man that came in with the
‘ Gypsey’s son, took the cap off Elizabeth
‘ Canning’s head, and went out of doors
‘ with it ; the Gypsey man, John Squires,
‘ took the stays off the chair, and went
‘ out with them ; Elizabeth Canning be-
‘ ing up in the room, when the two men
‘ took away the things.’

Compare now this evidence of Virtue Hall's and Canning's, and the correspondence in every material article will manifestly appear; Hall explaining some incidents Canning could not know, but which yet chime in with what Canning had sworn.—Canning says, "she was brought down by two robbers:" Hall declares the same, and adds, 'That one of the
F ' robbers

‘ robbers was John Squires, the other a
 ‘ stranger to her.’ Canning speaks of
 “ another young woman in the kitchen
 “ besides Virtue Hall.” Virtue Hall
 says, “ There was in the house herself,
 “ Mary Squires the Gypsey,” and “ Mary
 ‘ Squires’s daughter.’ Canning, “ did
 “ not see Mrs. Wells at the time of the
 “ Gypsey’s robbing her.” Virtue Hall
 accounts for this, by speaking of Wells as
 being in the parlour: ‘ When I went into
 ‘ the parlour, Wells said, Virtue Hall,
 ‘ the Gypsey man came in and told me,
 ‘ that his mother had cut the stays off the
 ‘ young woman’s back, and he had got
 ‘ them; and she bid me not say any
 ‘ thing to make a clack of it, fearing it
 ‘ it should be known.’ Virtue Hall never
 saw the girl once after she was put up in-
 to the room, ‘ she was the first, she says,
 ‘ that miss’d her’—‘ I asked the Gypsey
 ‘ woman once, whether that girl was gone?
 ‘ she answered, what is that to you? you
 ‘ have no business with it; but I durst not
 ‘ go to see if she was gone, if I had, very
 ‘ likely they would have served me so;’

which

which latter expression discovers her perfect knowledge of the disposition of the gang.

There is another incident worth attending to, which is that of the black jugg, which both Canning and Hall agree in as to its being in the hay-loft, or as Virtue Hall calls it, the workshop, but they differ about it in another point—Canning being asked by the court, whether she saw any thing brought up to eat, replies, ‘ I ‘ *saw* nothing brought up,’ Hall says, ‘ that about three hours after the young ‘ woman was put up, Mary Squires filled ‘ the jugg * with water and carried it up,’ which circumstances Virtue Hall might certainly know, but which Canning might not know, if supposed to have fallen asleep after the fatigue of the night, which a small portion of charity towards her might induce any one to suppose—At least these

* The very jugg found in the hay-loft Feb. 1, was produced in court and sworn to by both Canning and Hall. See Sessions Paper, p. 110, 112; and Mr. Lyon, the girl’s master, in his evidence on the trial, says ‘ the girl had described this jugg *before*, and ‘ said it was broken at the mouth, as it now appears ‘ to be,’ meaning before her friends went down with her to take the people at Wells’s the 11th of Feb. p. 114.

things show that there could be no confederacy between them, which is almost too absurd to mention, or any teaching from others. For though a perfect knowledge of facts, how full and complicated soever they may be, may enable one to describe the circumstances attending them, yet to invent a story so crowded with incidents, of so various and extraordinary a kind, or to relate it when invented, which is perhaps a harder task, and to make it hang so well together, as that a few important facts being made clear, the chain of the whole may be discerned, would demand understandings far superior to these girls, even the genius and abilities of a CERVANTES.

Besides, in Canning's *Drama*, the *Personæ* are numerous.—The girl herself, her mother, her friends, who saw her the night she came home, and those who went down to Enfield on the first of February to take the people at Wells's House, some of whom were witnesses on the trial, with many witnesses besides, to facts of a much
more

more various kind than a simple *alibi*, must all of them, if they do not swear truly, have had their different parts cast for them, and been in constant rehearsal, to be able to perform with such exactness and harmony.

I might now go on to trace and compare the remainder of Canning's and Hall's evidence: but it would make this discourse too tedious. I have selected as a specimen, the most important facts, and have, I hope, thrown them into such a light as to render it a fair conclusion,—‘That Canning was robb'd by the two men in Moorfields, that she was in some manner or other carried down to mother Wells's, was there robb'd again by the Gypsies, and was put up in the hay-loft, and that Virtue Hall's evidence stands good, in defence of any recantation of her own.’—And this is all I professed to attempt to show under this head—What happened to Canning during the period of her confinement and afterwards, is not to be cleared up by Virtue Hall, but depends upon the evidence of Canning herself, and that of other

ther witnesses. We shall therefore proceed in Canning's story.

She says ' that she was confined in this
' room at Wells's twenty-eight days from
' the second of January, that she had no-
' thing but bread in small crusts to about
' the quantity of a quartern loaf, and a
' jugg of water, to live upon all that time,
' that she had no evacuation by stool du-
' ring that time, but sometimes made wa-
' ter, that she made her escape out of a
' window on the 29th of January about
' four in the afternoon, and walked home
' to her mother's house (ten or twelve
' miles) in Aldermanbury Postern, where
' she arrived about ten o'clock that night.'

These are the facts sworn to by her, which constitute another extraordinary part of her story: it is however very differently circumstanced from that obscure part of the robbers carrying her to Wells's, which admits of no clearing up, but by themselves—Whereas this of Canning's does. It is a fact she herself is capable of relating,
and

and which she has related on her own positive oath : it has besides the advantage, which we claimed concerning the transaction of the robbers carrying her down, of having the two extremes of the story well established, and the middle part evinced of course ; which will thus appear :

It has been proved by the evidence of Virtue Hall and Canning, “ that she was
 “ robb’d by the Gypsey and put up in the
 “ hay-loft on January 2, about four in
 “ the morning.” This is one extreme of the story of her confinement. ‘ Her escape out of the window on the 29th of
 ‘ January about four in the afternoon, and
 ‘ her journey home,’ is the other extreme. The former is established, the latter has for the evidence of its truth, the testimony on oath of two or three witnesses, who saw her on the road soon after the time she says she made her escape. And thus is the interval of her confinement between these two extremes proved to, I think, almost demonstration : the truth of the facts
 that

that happened during her confinement depends, and in its very nature it cannot be otherwise, upon her evidence solely, which surely may be relied upon, if the other facts are true.

Again, ‘ about four o’clock in the afternoon on January the 29th she escaped,’ and “ passed through the Enfield road,” as both herself and the witnesses above mentioned have sworn. ‘ At ten at night, ‘ beyond all dispute, for she was seen by ‘ several, she arrived at her mother’s house ‘ in a very distressed condition.’ The two extremes then of this part of the story are likewise prov’d, consequently she ought to have credit for the six hours interval of her journey.

Thus far then, we hope, we have shewn, by a regular detail of the material parts of the story, and by fair testimonies, that the facts are true. They have hitherto all the *Evidence* of truth, that the separate parts of so remarkable a story can have ; which is all we have a right to expect. —

They

They are obscure in no part, but where obscurity is natural ; and are cleared up in every part capable of explanation : and were we to rest our evidence upon the testimonies already produced, any reasonable and unprejudiced man, I should think, would give his assent to its validity. But we have no occasion to close our defence here, as other testimonies are to be had.

4. Shall therefore produce the corroborating testimonies of several witnesses, concerning some collateral facts, which illustrate each other, and thereby establish the evidence of the whole. And herein I shall be concise, as I would not anticipate the publication of the evidence of these witnesses, whose entire affidavits, I am informed, will shortly be laid before the public. They chiefly respect the following capital points :

1. The identity of the Gypsy woman,
and her residence at and about Enfield
G Wash

Wash from the middle of December last, quite through the whole month of January, to February 1, the day she was taken at mother Wells's, attested by near one hundred witnesses living in the neighbourhood of Enfield.

2. The testimonies of two or three persons who saw a girl on the Enfield road, on the evening on which Canning says she escaped from mother Wells's — They describe her dress to be a short, ragged, dirty covering over her shoulders, without any stays, with a dirty rag on her head for a cap, and declare their belief that she is the very person they saw that evening on the Enfield road: One of them Thomas Bennet of Enfield, mentions a remarkable circumstance, that she asked him the way to London, and told him she had been frightened by the tanner's dog.

This circumstance of the dog, the girl says, did happen; but she does not remember that she mentioned it to the person of whom she asked her way soon after her

her escape, which seems to be this Bennet ; nor does her mother, or any of her friends, certainly recollect her speaking of it the night she came home, or till some time after : which I mention only to shew how careful both she and her friends are in speaking to facts, which I have always found them to be, both in lesser and greater matters.

3. The acknowledgement of their guilt both from mother Wells and the Gypsey woman. The former to several persons at different times in Clerkenwell prison before the trial, and the latter during her trial at the Old-Baily in the hearing of several credible witnesses ; one of which, Mr. Hickman, a distiller of Bishopsgate-street, maketh oath, ‘ That he was present
 ‘ at the trial of Mary Squires ; that he
 ‘ stood near the said Squires ; and while
 ‘ Mr. Justice Wright was summing up
 ‘ the evidence to the jury, and immedi-
 ‘ ately after he had repeated, that Canning
 ‘ had sworn that Squires had cut off her
 ‘ stays, and turn’d her up stairs, the said
 G 2 ‘ Squires

‘ Squires did say, “ Poor innocent crea-
 “ ture, and so I did, I wish I had never
 “ seen her.” Which words, this depo-
 “ nent positively says, he heard the said
 ‘ Squires then and there speak and eja-
 ‘ culate ; and this deponent informed his
 ‘ wife of the said confession of Mary
 ‘ Squires in the evening of the same day ;
 ‘ and he is from thence fully convinced,
 ‘ that the said Squires is guilty of the
 ‘ robbery and felony whereof she was con-
 ‘ victed.’

Mr. Mead, a shoe-maker in Silver-
 street, London, maketh oath, ‘ That he
 ‘ was present at the trial of Mary Squires
 ‘ and that he heard her say, (when Mr.
 ‘ Lyon, evidence for the King, on behalf
 ‘ of Elizabeth Canning, was under exa-
 ‘ mination) “ That he (Lyon) was a ve-
 “ nerable old gentleman, and would hang
 “ her ; and that Virtue Hall would save
 “ Mother Wells, and hang her ; but that
 “ Wells was as guilty as she ;” or to that
 ‘ effect : and the deponent spoke pub-
 ‘ lickly

‘ lickly of this to his friends on the same
‘ day.’

Mr. Surby of Silver-street sweareth the same, with this addition, ‘ That he leaned
‘ on the bar during the trial, and that
‘ Squires farther said, “ That the poor
“ young gentlewoman, meaning Elizabeth
“ Canning, had been ill used.” And he
‘ doth believe Squires guilty.’

The affidavits of the other witnesses on this head are of much the same tenor.

The affidavits respecting Mother Wells’s confession, mention her using this expression to one witness, Mr. Olney, a farmer and grazier of Northaw, in the county of Hertford: ‘ It was not me
‘ that cut the girl’s stays off; it was the
‘ Gypsey woman that did it.’——To two other witnesses at another time, viz. Mr. Jones a founder in Shoe-lane, and to Mr. Ward, a breeches-maker in Maiden-lane, Southwark, she acknowledged “ that the girl was confined in her house eight and
twenty

twenty days." These things will appear more fully from the affidavits themselves, when published ; to which therefore we refer.

It may perhaps be now expected, that I should take some notice of the evidence of the Gypsey's *Alibi*, as sworn to by the witnesses from Abbotsbury and Coomb on her trial, and by several other persons in affidavits since. And that I should likewise consider the objections that have been made to the probability of several parts of Canning's story.

As to the former, I can say but little on that head. Those who have sworn on either side of the question, are accountable to God, their country, and their own consciences for what they have sworn ; and I have no more right to say one set of witnesses are perjured, than any other person has to assert it of the other. Their testimonies must stand or fall, on the merit of their respective characters, or some other collateral proofs ; and on which side these preponderate, the public perhaps will
not

not determine, till they are masters of the whole evidence on both sides, which it is not in my power to produce. But thus much I think, especially after the evidence I have produced, I may say, without suspicion of an unfair partiality to that side of the question I have espoused, That the Enfield witnesses, was there no collateral evidence to strengthen theirs, are most likely to be in the right; since the Gypsie woman they swear to is the very identical person that was taken at Mother Wells's on the 1st of February, was carried publickly in a cart, in the view of many of these witnesses, with the rest of Wells's family, to Justice Tythemaker's, who committed her to prison. — She was afterwards sent to Newgate, where all these witnesses have again seen her and own'd her. And the Gypsie herself said to a worthy alderman of the city of London, and myself, at a visit we made her in Newgate, about six weeks ago, that she was almost four-score years old, and therefore, I suppose, a subject not very likely to ramble in the depth of winter 140 miles,
which

which is about the distance from Abbotbury to Enfield, or to travel the country any where as a dealer in handkerchiefs, muslins, lawns and checks, as her witnesses on the trial swear she was ; since this is an occupation rather suited to younger pedlars than one of near fourscore. — Whereas the Gypsies taken at Enfield is spoken of there as going about the country, pretending to tell people their fortunes, and mending old china. How these things are to be reconciled is beyond me to say ; perhaps there may be two Gypsies women so much alike, as that the honest witnesses, and such, I hope, there are, may have sworn what they believe to be true.

To the other article, I have only to say, that the business I professed to undertake in this Essay, was to produce evidence of matters of fact : and if this has been done in a satisfactory manner, it will be of small use to answer the objections made to the probability of some part of the story, since all facts cease to be im-
pro-

probable, when prov'd to be true, and their truth is not to be evinc'd by reasoning, but by evidence. It appears to me, that it has been the want of considering Canning's story in this light, that has created the embarrassments the public seem to have been under, in judging of the facts of this story. People have been endeavouring to shew, that a fact *cannot* be true, because of some difficulties attending the relation, when they should be searching for *evidence* whether or not it *is* true. Where indeed such evidence cannot be had, reasoning about probabilities are proper, because we are furnished with no better principles to reason upon. But where evidence can be had, a very few substantial testimonies from people of character and credit, will outweigh a Volume of speculations without them. A quotation from Mr. Locke, in his chapter of PROBABILITY, will illustrate what I have been saying; ' If I myself see a man walk on the ice, it is past *probability*, it is *knowledge*. But if another tells me, he saw a man in England, in the midst of

H

' sharp

' sharp winter, walk upon water hardened
 ' with cold, this has so great conformity
 ' with what is usually observed to happen,
 ' that I am disposed, by the nature of the
 ' thing itself, to assent to it, unless some
 ' manifest suspicion attend the relation of
 ' that fact. But if the same thing be told
 ' to one born between the tropics, who
 ' never saw or heard of such a thing be-
 ' fore, there the whole probability rests on
 ' TESTIMONY: And as the relators are
 ' more in number, and of more credit,
 ' and have no interest to speak contrary to
 ' truth, so that matter of fact is like to
 ' find more or less belief: tho' to a man,
 ' whose experience has been always quite
 ' contrary, and has never heard any thing
 ' like it, the most untainted credit of a
 ' witness will scarce be able to find belief.
 ' As it happened to a Dutch ambassador,
 ' who, entertaining the king of Siam with
 ' the particulars of Holland, which he
 ' was inquisitive after, amongst other
 ' things told him, that the water in his
 ' country would sometimes in cold wea-
 ' ther be so hard that men walk'd upon it,
 and

‘ and that it would bear an elephant if
 ‘ he were there.’ To which the king re-
 plied, “ Hitherto I have believed the
 “ strange things you have told me, be-
 “ cause I look upon you as a sober, fair
 “ man, but now I am sure you lie.”

What else remains to be discover’d in
 this strange affair, which has so much en-
 grossed the attention of the public, or
 what designs of providence are thereby to
 be accomplished, none but that infinitely
 wise being, the supreme judge of all
 things, and the doer of justice, certainly
 knows, and alone can bring the hidden
 things to light. For, to us,

The ways of heaven are dark and intricate;
 Puzzled in mazes, and involv’d in error:
 Our understanding searches them in vain.
 Lost and bewilder’d in the fruitless search,
 Nor sees with how much art the windings turn,
 Nor where the regular confusion ends.

ADDISON’S CATO.

P O S T S C R I P T.

THE contradiction between the Gypsey's witnesses on her Trial, and her own declaration (when she received Sentence) as to the time in which they and she speak of her being in the West of England, being a circumstance worth attending to, I have here stated their respective accounts of this matter.

GIBON's Evidence on the Trial.

' I live at Abotsbury—am master of
' the house, called the Old Ship. On the
' *first* of January, the prisoner Squires
' came into the house—She staid there
' from the *first* to the *ninth* day of the
' month, and lay at my house.'

CLARK's Evidence on the Trial.

' I live at Abotsbury—I remember seeing the Gypsey there, The last time I
d saw

‘ saw her was on the *tenth* of January last,
 ‘ I met with her on the road—She lodged
 ‘ at this man’s house (*pointing to Gibon*)
 ‘ at Abbotsbury—I saw her there on the
 ‘ *first* of January—I undertake to
 ‘ swear positively that I saw her there on
 ‘ the *first* of January last, and either on
 ‘ the *ninth* or *tenth* afterwards.’

GREVIL’s Evidence on the Trial.

‘ I live at Coom, three miles from Salisbury, I keep a public house there,
 ‘ the sign of the Lamb; I saw Mary
 ‘ Squires at my house on the *fourteenth* of
 ‘ January—She stopped there but one
 ‘ night:’ being asked by the court what
 ‘ January he meant; he replied, ‘last January,
 ‘ five weeks ago last Sunday.’
 This Sunday was the *eighteenth* of February,
 and the Sunday five weeks he speaks of,
 was the *fourteenth* of January. He
 therefore reckons by the New Style, as
 the other witnesses manifestly do.

MARY

MARY SQUIRES's *Account on the last
Day of the Sessions.*

BEING asked what she had to say before she received sentence, she answered,
 ‘ On New-years-day I lay at Coom at the
 ‘ Widow Grevil’s house.—The next day
 ‘ I went to Stoptage.—I drank at the se-
 ‘ cond alehouse in Basingstoke on the
 ‘ Thursday in the new-years week.—On
 ‘ the Friday I lay at Bagshot-heath, at a
 ‘ little tiney house on the heath.—On the
 ‘ Saturday I lay at Old Brentford, at Mr.
 ‘ Edwards’s, who fells greens and small
 ‘ beer. I could have told this before, but
 ‘ *one pulled me, and another pulled me, and*
 ‘ *would not let me speak.* I lay at Mrs.
 ‘ Edwards’s on the Sunday and Monday,
 ‘ and on Tuesday or Wednesday after, I
 ‘ came to Mrs. Wells’s house.’

In this account she plainly reckons by the New Style; because she speaks of a Thursday in new year’s week, which is proper to a new years week that began on Monday,

Monday, but would be absurd in one that began on Friday, if she had reckoned by the Old Stile.—And yet this has been said, in order to avoid the contradiction to her own witnesses. We will throw both the methods of reckoning into a kind of table.

NEW STYLE.

Monday, Jan. 1, The Gypsey says she was at the Widow Grevil's at Coom.—

Gibon says she was that day at his house at Abbotsbury.

Tuesday — 2, She says she was at Stoptage.

Wednesday — 3, Not accounted for by her.

Thursday — 4, Her third day's journey, drank at the second alehouse in Basingstoke.

Friday — 5, Lay at a little house on Bagshot-heath.

Saturday — 6, }

Sunday — 7, }

Monday — 8, }

Lay at Edwards's at Brentford.

Tuesday — 9, }

or }

Wednesday 10, }

Went from Edwards's to Mrs. Wells's house at Enfield.—

Gibon and Clarke say she was at Abbotsbury till the *ninth or tenth* of January; and Grevil says she lay at Coom the *fourteenth*.

OLD

OLD STYLE.

Jan

1. —12 Friday, — She lay at Widow Grevil's house at Coom. Grevil says she came here on the *fourteenth*, and staid one night.
2. —13 Saturday, — Was at Stoptage.
3. —14 Sunday, — Not accounted for.
4. —15 Monday, — The *third* day's journey, which she calls *Thursday* in new year's week, by Old Stile is *Monday*,
5. —16 Tuesday, — The *Friday* she came to Bagshot-heath.
6. —17 Wednesday, —
7. —18 Thursday, — } The *Saturday, Sunday* and
8. —19 Friday, — } *Monday* she stay'd at Edwards's.
- 9 —20 Saturday, —
- 10 —21 Sunday, — } The *Tuesday* or *Wednesday* she says she went to Mother Wells's at Enfield.

Thus it is seen, that her account both by New and Old Style contradicts her witnesses; and by Old Style is direct nonsense.

F I N I S.

